IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

| PERRY FRANKS, |) | |
|---------------------------|---|---------------|
| Detitions |) | |
| Petitioner, |) | |
| v. |) | NO. 1:06-0018 |
| |) | JUDGE HAYNES |
| CHERRY LINDAMOOD, WARDEN, |) | |
| |) | |
| Respondent. |) | |

ORDER

In accordance with the Memorandum filed herewith, Respondent's motion to dismiss (Docket Entry No. 22), is **GRANTED** and the Petitioner's cross motion to grant the petition (Docket Entry No. 23), is **DENIED**. This petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED** with prejudice. Petitioner has ten (10) days from the date of entry of this Order to file his application for a Certificate of Appealability under 28 U.S.C. §2253(c).

This is the Final Order in this action.

It is so **ORDERED**.

Entered this the _____ day of October, 2007.

William J. Haynes, Ir. V United States District Judge